

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION
STAFF REPORT
For
May 19, 2011
MEETING NO. 5-11**

APPLICATION: HDC2011-00538
ADDRESS: 400 W Montgomery Ave
ACCEPTED: 4/18/11
45 DAY LIMIT: 6/9/11
OWNER: Scott Robinson
REQUEST: Remove snow-damaged
magnolia in back yard
STAFF: Robin D. Ziek



PROJECT SUMMARY:

The applicant requests approval to remove an existing magnolia tree in the back yard. The tree has sustained snow damage over the past two years, and the owner wants to open up more yard area to the sun for a vegetable/fruit garden.

STAFF RECOMMENDATION:

Staff recommends approval, given the following findings:

The magnolia is only one of many trees on the property. It is not exceptionally old, with a dbh* of 10 inches (where the older trees will have a dbh of 3 feet or more). It has sustained snow damage and can be further pruned to encourage more top growth. However, it doesn't have the room to develop into a specimen tree. Removal of this tree will not affect the essential form and integrity of the historic property. The work meets the *Secretary of the Interior's Standards* #2 ("... The removal of historic materials ... or alteration of ... spaces that characterize a property shall be avoided.").

[DRAFT MOTION OF APPROVAL:]

Finding HDC2011-00538, for removal of a magnolia tree from the back yard, in compliance with *Secretary of the Interior's Standard* #2, and finding no negative impact on the architectural significance of the building with this proposal, I move approval of the application.

* dbh = diameter at breast height; typically taken as 4 feet about the ground.

BACKGROUND:Historic Significance:

The Reverend Bond (Methodist Episcopal Church South, 1883-1887) hired W. R. Pumphrey in 1887 to build this house. Because the minister was sent out of town to another church, the house was leased for several years and finally sold in 1902 to another family.

The subject property is located at the corner of West Montgomery Avenue and Wall Street, and fronts West Montgomery Avenue. It is a good example of a late 19th century Gothic Revival style house. The original wood siding has been covered with stucco, but the current owners have restored the front door to its original form, with a single-width door, and transom above (HDC2009-00471). An interesting feature of the property is the location of the two outbuildings, adjacent to the sidewalk along Wall Street.

Property Area: 14, 181 sf
Structure Area: 2, 412 sf
Zone: R90 - HD

City of Rockville Permits Required:

HDC Certificate of Approval

**DISCUSSION OF THE PROPOSED PROJECT and MATERIALS:**

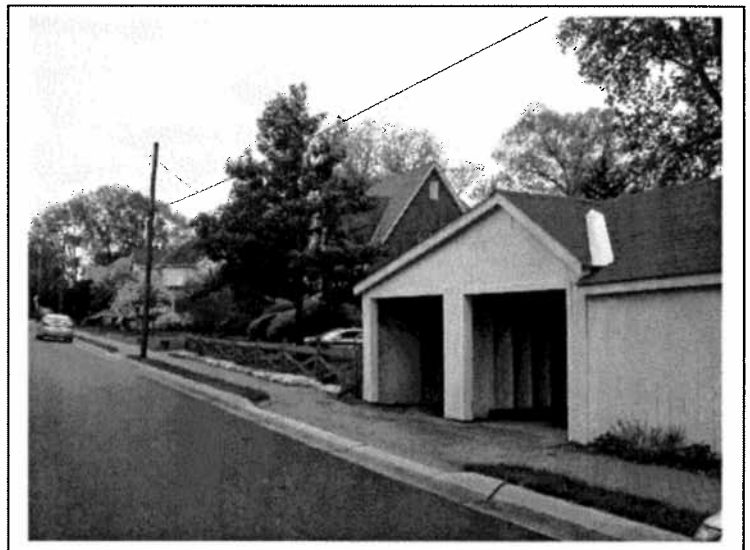
The magnolia tree sits at the southeast corner of the property, adjacent to the driveway for 11 Wall Street, another designated historic resource. Mr. Robinson, the property owner at 400 W. Montgomery Avenue, has established a garden along the east fence line from the south edge of the garage to the end of his property because this is potentially the sunniest location on his property. The garden currently includes perennials, such as strawberries and figs.

The subject magnolia tree is not very old, based on the small diameter of the trunk (10" where a mature tree will be three feet or more dbh). All of the lower branches of the tree have been pruned to a height of 5 feet above the ground, and there is no potential for this to grow into a specimen tree. The removal of this tree will have no effect on either this property or the adjacent property, as it has no historical associations. Neither does it function as a "street tree," which might have overall significance to the character of the historic district.

The City Forester reviewed the tree in light of the snow damage, and commented that the required pruning would not damage the tree, and the tree was generally healthy. The proposed tree removal, therefore, could not be approved by the Chief of Planning.



Tree has been pruned from the base up.



Tree at SE corner of property

OTHER CONSIDERATIONS:

Tax credits will not apply, as they are not given for landscape matters in general.

COMPLIANCE WITH GUIDELINES:

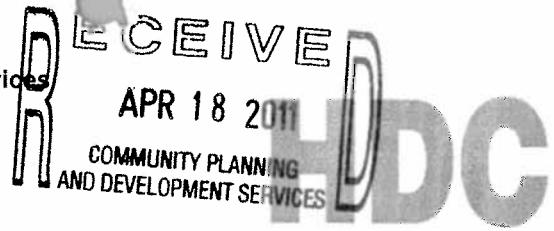
Staff finds that the proposed alteration meets the Secretary of the Interior's *Standards for Rehabilitation* # 2. The Technical Guides do not provide specific guidance about tree removal, although the overall impetus for landscape review is to protect elements that have significance, such as very large trees.

Secretary of the Interior's Standards for the Treatment of Historic Properties (1995)**Standards for Rehabilitation**

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- ▶ 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



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 Historic Preservation Office
 111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8230
 www.rockvillemd.gov/historic



APPLICATION FOR HISTORIC DISTRICT COMMISSION (HDC)

PROJECT IDENTIFICATION:

Application is hereby made with the Historic District Commission of Rockville for a Certificate of Approval for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP		
	SUBDIVISION	LOT	BLOCK
	ZONING	TAX ACCOUNT NO.	PROPERTY SIZE (in square feet)
	400 W MONTGOMERY AVE		
APPLICANT*	NAME	MAILING ADDRESS - NUMBER, STREET, CITY, STATE, ZIP	PHONE / FAX / E-MAIL
	FIRST SCOTT LAST ROBINSON	400 W MONTGOMERY AVE	
PROPERTY OWNER	FIRST SCOTT LAST ROBINSON		
ARCHITECT Registration #	COMPANY		
	LAST FIRST		
SCOPE OF WORK			
<input type="checkbox"/> FENCE	<input type="checkbox"/> MATURE TREE REMOVAL	<input type="checkbox"/> CHIMNEY	
<input type="checkbox"/> SIDING/TRIM	<input type="checkbox"/> WINDOWS/DOORS	<input type="checkbox"/> MISCELLANEOUS	
<input type="checkbox"/> SIGNAGE	<input type="checkbox"/> ADDITION	<input type="checkbox"/> ORDINARY MAINTENANCE	
<input type="checkbox"/> PARKING LOT	<input type="checkbox"/> ROOFING	<input type="checkbox"/> NEW CONSTRUCTION	
<input type="checkbox"/> LANDSCAPING	<input type="checkbox"/> ACCESSORY BUILDING	<input checked="" type="checkbox"/> OTHER	

* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.

Description of the proposed work in brief (attach additional sheets as necessary): REMOVE EVERGREEN MAGNOLIA IN BACKYARD. DIAMETER IS 10" MEASURED 4.5' FROM GROUND. TREE HAS HAD A LOT OF DAMAGE FROM SNOW LAST 2 WINTERS

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this permit.

TO BE COMPLETED BY STAFF	
Application #:	HDC 2011-02538
Public Hearing Date	
Decision	<input type="checkbox"/> Approved <input type="checkbox"/> Staff Approval
	<input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
45 Day Review Date:	
Staff reviewer:	

Signature of Applicant

Scott Robinson

Received by: 4/18/2011

Accepted by:

Date:

See reverse side
Revised 3/07



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HDC

SUBMITTAL PROCEDURES FOR HISTORIC DISTRICT COMMISSION (HDC) CERTIFICATE OF APPROVAL

Each applicant needs to be aware of the following facts about the processing of this application. After reading the following information, please sign below to acknowledge your understanding.

1. PRE-APPLICATION MEETING

A pre-application meeting with the historic preservation staff is recommended prior to filing all applications. Please call the preservation office at 240-314-8230 to schedule a meeting with staff.

2. COMPLIANCE WITH GUIDELINES

Projects must comply with the City's *Technical Guides for Exterior Alterations*, available via the Internet at www.rockvillemd.gov/historic/tech-guides.html or in printed form at the Department of Community Planning and Development Services.*

3. FILING LOCATION

Applications must be filed with the City of Rockville Community Planning and Development Services Department at 111 Maryland Avenue, Rockville, MD. Applications will not be accepted until they are determined to be complete by City staff. The application must be filed by the last Tuesday of the month prior to the scheduled Historic District Commission meeting.

4. INSPECTION OF THE PROPERTY

Members of the Historic District Commission and City staff must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This opportunity must be granted provided that reasonable notice is given for said inspection.

5. HEARING/MEETING APPEARANCE

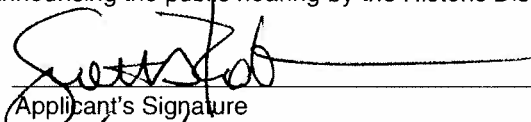
Once the application is complete, staff will set a tentative date for a public hearing by the Historic District Commission. Meetings of the Commission are held on the third Thursday of the month, in the Mayor and Council Chambers at City Hall at 7:00 p.m. The applicant, or a representative designated by the applicant, should be prepared to present his/her case before the Historic District Commission. The applicant will have the opportunity to ask questions and respond to comments at the public hearing. HDC decisions may be appealed to the Circuit Court of Montgomery County.

6. FILING DEADLINES

Applications are due by the last Tuesday of the month preceding the regularly scheduled HDC meeting. A schedule of filing deadlines is maintained by the Planning Division.

7. SIGN

A sign will be posted by the City staff on the property announcing the public hearing by the Historic District Commission approximately one week prior to the meeting.



Applicant's Signature

4/18/2011

Date

*In addition to the City's Technical Guides for Exterior Alterations (see #2 above), applicants may also find it useful to consult the following publications:

- The Secretary of the Interior's Standards for Rehabilitation: www.cr.nps.gov/hps/tps/standards/rehabilitation.htm
- The HDC's Adopted Architectural Design Guidelines: www.rockvillemd.gov/historic/guidelines1977.htm



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The following information is required as part of this application for a Certificate of Approval by the Historic District Commission: Twelve (12) copies of each item, with a maximum size of 11"x17", must be provided unless otherwise noted.

1. **SITE PLAN**

- A. Lot dimensions.
- B. Building location within dimensions of lot (existing and proposed).
- C. Dimensions and locations of drives, walks, fences, porches, patios, accessory buildings, planting areas, freestanding signs (existing and proposed).
- D. North arrow, date, and scale of plan.

2. **LANDSCAPING PLAN** (Required for tree removal, new construction and substantial landscape plans or alterations) showing:

- A. Plant placement
- B. Plant spacing
- C. Types/Species
- D. Number of each plant.
- E. Height/spread at installation and at maturity.



Tree Removal Procedures

Applicants must apply for both hazardous tree and non-hazardous mature tree removals. Staff may approve removal of hazardous, dead or dying trees with either a report from the City Forester or a certified arborist or if the tree removal meets the adopted Technical Guides for Exterior Alterations, #7, Landscaping. For all other tree removal, the HDC must review and approve.

3. **ARCHITECTURAL DRAWINGS** (Required for structural alterations, additions and new construction and must include floor plans, elevations and sections with north arrow, date, scale and dimensions showing):

- | | |
|--|---|
| A. Number of stories and building height. | F. Trim and architectural details. |
| B. Siding dimensions. | G. Exterior stairs. |
| C. Window/door dimensions, details and specifications. | H. Chimney detail |
| D. Railing dimensions and details. | I. Sign location and maximum area of all signs per Chapter 25-11 of the Zoning and Planning Ordinance |
| E. Roof plan | |

4. **PHOTOGRAPHS** – Digital or print photographs of subject property (all views) and area affected. For new construction, submit photographs of surrounding buildings and environment.

5. **PRODUCT INFORMATION** (Required for change of material, structural alterations, additions, and new construction)

Product literature (brochures, website info, etc.) with specifications or a sample of the composition, color, and texture of materials to be used including:

- | | | |
|-------------------|-------------|-------------|
| A. Roof materials | E. Gutters | I. Patios |
| B. Siding | F. Drives | J. Railings |
| C. Windows | G. Walks | K. Fences |
| D. Doors | H. Flooring | L. Signs |



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APPLICATION CHECKLIST HISTORIC DISTRICT COMMISSION (HDC)

Please complete this checklist and include it as part of the application submittal. Each item on the checklist must be contained in the application packet. If items are missing, the application cannot be accepted. This checklist must be included with the submittal when filing with staff.

Submit twelve (12) copies of all documents

IMPORTANT NOTE: AN ACCEPTABLE AND COMPLETE **HDC** SUBMITTAL INCLUDES ALL OF THE FOLLOWING ITEMS – Any submittal package filed with the Historic Preservation Office that does not contain each and every item on this checklist **cannot** be accepted and will be returned to the applicant.

Submitted		For Staff Use Only	Received	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	A detailed site plan no larger than 11"x17"
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	Landscaping plan (required for tree removal, new construction and substantial landscape plans or alterations).
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	Architectural drawings including floor plans, elevations and sections no larger than 11"x17"
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	Photographs of areas affected
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	Sample materials or brochures with materials specifications if any change from original materials is proposed
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	Additional information as requested by Historic Preservation staff

Comments on Submittal: (For Staff Use Only): _____

The following additional information is required as part of this application for certificate of approval by the Historic District Commission:

